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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

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Arizona Corporation Commission

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IN THE MATTER OF QWEST
CORPORATION'S COMPLIANCE WITH
SECTION 252(e) OF THE
TELECOMMUNICATIONS ACT OF 1996.

Docket No. RT-00000F-02-0271

RUCO'S MOTION FOR PROCEDURAL CONFERENCE

The Residential Utility Consumer Office ("RUCO"), respectfully requests that the Administrative Law Judge schedule a procedural conference to set time frames, discovery requirements, and the nature and scope of the hearing. Staff's report, the parties' responsive comments, and Staffs reply demonstrate that confusion remains as to the nature and scope of this proceeding. A procedural conference would efficiently resolve any confusion.

RUCO understands Staff's position as requesting a comprehensive investigation within this 252(e) docket. RUCO believes that the 252(e) limitation too narrowly focuses on the failure to file, instead of looking at what the partners did. RUCO's Report of Investigation shows that the filing violations were means by which Qwest, Eschelon and McLeod carried out a scheme to damage local telephone competition and obstruct the Commission's 271 proceedings. Other means were used to carry out the scheme, including billing and accounting irregularities, as well as intimidation and threats of litigation. The means were designed for an end that is only partially apparent; they may be clues to a larger scheme or practice that poses significant harm to consumers.

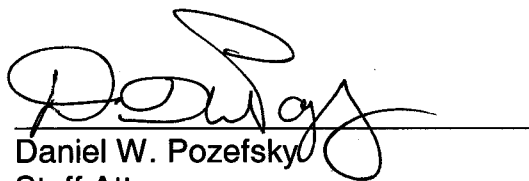
1 The purpose of this inquiry is to protect consumers and instill integrity in local
2 telecommunications markets. To that end, RUCO has recommended that this matter be placed
3 into a docket that gives the Commission full power to do the following: (a) conduct a
4 comprehensive investigation into the conduct of Qwest, Eschelon and McLeod; (b) conduct an
5 adversarial hearing on allegations arising out of the investigation; and (c) issue the broadest
6 range of remedial orders as appropriate from the investigation. A 252(e) docket is too narrowly
7 defined.

8 CONCLUSION

9 The Commission should authorize a comprehensive investigation into the facts and
10 circumstances of the business-to-business transactions among Qwest, Eschelon and McLeod.
11 The transactions involved the misrepresentation of material facts to this Commission and a
12 direct attack on competition. The potential remedies involve civil, regulatory, and criminal
13 authorities. The Commission should use a docket that permits all-encompassing remedies.

14 WHEREFORE, RUCO requests a procedural conference be scheduled as soon as
15 possible.

16 RESPECTFULLY SUBMITTED this 6th day of September, 2002.

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Daniel W. Pozefsky
Staff Attorney

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